

DANIEL J. BRODERICK, #89424  
Federal Defender  
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Seeking Appointment as  
Attorney for movant  
MARCOS ENRIQUE GARCIA

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. Cr. S 03-549 EJG
	)	
Plaintiff,	)	<b>REQUEST FOR APPOINTMENT OF</b>
	)	<b>COUNSEL; ORDER</b>
v.	)	
	)	<b><u>RETROACTIVE CRACK COCAINE</u></b>
MARCOS ENRIQUE GARCIA,	)	<b><u>REDUCTION CASE</u></b>
	)	
Defendant.	)	
	)	

Pursuant to 18 U.S.C. §§ 3006A(c) and 3582(c)(2), Defendant, MARCOS ENRIQUE GARCIA, hereby requests the court appoint the Office of the Federal Defender and Assistant Federal Defender David M. Porter as counsel to represent him with respect to reducing his sentence pursuant to 18 U.S.C. § 3582(c)(2). Mr. Porter is familiar with the case and is willing to accept the appointment.\*

Appointment of counsel would serve the interests of justice in this case because it might facilitate a negotiated disposition of the motion and because the motion might raise novel legal issues

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\* Mr. Garcia has authorized the undersigned to file this application on his behalf.

surrounding application of the United States Sentencing Commission's recent retroactive reduction of sentences under the crack cocaine guidelines. Because Mr. Garcia's substantial rights may be affected by these criminal proceedings, she is constitutionally entitled to appointment of counsel. *Mempa v. Rhay*, 389 U.S. 128, 134 (1967).

Attached hereto is Mr. Garcia's completed financial affidavit (CJA 23).

Accordingly, Mr. Garcia requests the Court issue the order lodged herewith.

Dated: May 7, 2008

Respectfully submitted,

DANIEL J. BRODERICK  
Federal Defender

/s/ David M. Porter  
DAVID M. PORTER  
Assistant Federal Defender

Seeking Appointment as Attorney for Movant  
MARCOS ENRIQUE GARCIA

**O R D E R**

Pursuant to defendant's request, and good cause appearing therefor, the Office of the Federal Defender and Assistant Federal David M. Porter is hereby appointed to represent defendant with respect to his motion to reduce sentence.

DATED: May 9, 2008

/s/ Edward J. Garcia  
HONORABLE EDWARD J. GARCIA  
United States Chief District Judge